

PATENT
Appl. No. 09/824,254
Attorney Docket No. 450100-03122

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 5 and 10 will be pending. By this amendment, claims 1, 3, 4, 6-9, 11, and 12 have been canceled; and claims 5 and 10 have been amended. No new matter has been added.

Allowable Subject Matter of Claims 5 and 10

It is appreciatively noted that claims 5 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

§ 103 Rejection of Claims 1, 3-4, 6-9, and 11-12

In Section 5 of the Office Action, claims 1, 3-4, 6-9, and 11-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kocher *et al.* (U.S. Patent No. 6,640,335; hereinafter referred to as "Kocher") and Tateishi (U.S. Patent No. 5,669,007) and Khan *et al.* (U.S. Patent No. 6,199,054; hereinafter referred to as "Khan") in view of Tatebayashi *et al.* (U.S. Patent No. 6,859,535; hereinafter referred to as "Tatebayashi").

Claims 5 and 10 have been amended to include the allowable subject matter. Claims 1, 3, 4, 6-9, 11, and 12 have been canceled.

Based on the foregoing discussion, claims 5 and 10 should also be allowable over Kocher, Tateishi, Khan, and Tatebayashi.

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Accordingly, it is submitted that the rejection of claims 1, 3-4, 6-9, and 11-12 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 5 and 10 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

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Respectfully submitted,

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